

EXHIBIT “R”

PURCHASE ORDER

THE H-B MACHINERY CO.

*Precision Machine Tools*77 FISHRY STREET
P O BOX 445

HARTFORD, CONN. 06101

Area Code 203 249-7679

PURCHASE ORDER NUMBER

No. 60045

The above order number must appear on
all invoices, packages and correspondence.

TO:


- Heim Corporation
- Frankfort, Illinois 60423

SHIP TO: H-B (unless otherwise specified below)


- Avco Lycoming Division
- 550 South Main St.
- Stratford, Conn. 06497

PO #A-657225

#2176

March 31, 1978		DELIVERY REQUIRED As soon as possible	SHIP VIA Spector Motor Freight
QUANTITY	DESCRIPTION		AMOUNT
1	Heim Model 70-6 Press Brake 70 ton 3" stroke wired 3/60/440		\$12,230.00
1	Front operated back gauge		935.00
Confirms phone agreement with F. Tower.			
<div>RECEIVED</div> <div></div>			

Acknowledge promptly if you are unable to ship complete by date specified


 BY Irving S. Blumenthal

HEIM

FRANKFORT, ILL. 60423

CORP.

P. O. BOX R

815-469-2335

ACKNOWLEDGEMENT

ASSEMBLY ORDER FOR PRESS BRAKE

Date Rec'd 4/21/78 MODEL NO. 70-6 SERIAL NO. 2178 week of: 2176 DUE DATE 9/18/78SOLD TO: H-B MACHINERY CO. P.O. NO. 9456SHIP TO: AVCO LYCOMING DIVISION, 550 South Main St., Stratford, Conn. 06497

PRESS BRAKE TO INCLUDE:

BASE PRICE	Specifi- cation	Price 12230		Specifi- cation	Price		Specifi- cation	Price
STROKE	3"		RAM INDICATOR	YES		COUNTER- BALANCE	NO	
SHUT HEIGHT	12"		RAM POWER	YES		RAM MACHINE FOR ANGLES	NO	
MOTOR HP	5		HORN EXT RIGHT	NO		BED MACHINE FOR ANGLES	NO	
MOTOR RPM	3500		LEFT	NO				
MOTOR FRAME			LUBRICATION: ONE SHOT	YES		WELDED ANGLES	NO	
V-BELTS			AUTOMATIC	NO		PERMANENT FLANGED BED	NO	
V-BELLY			TRU-KON-TROL PRESS BRAKE	YES		PERMANENT FLANGED RAM	NO	
STARTER: STD.	YES		TRU-KON-TROL PUNCH PRESS	NO		CAST BRACKET	NO	
REV.	NO		PALM BUTTONS	NO		BOLSTER PLATE	NO	
VOLTAGE	440 V.		FOOT SWITCH	YES		DIE BLOCK	YES	
			BACK GAUGE, FRONT			PAINT	STD.	
			OPER MANUAL	YES	935			
			POWER	NO				

OPTIONAL EQUIPMENT:

THIS ORDER IS SUBJECT TO CANCELLATION CHARGES.

REMARKS _____

This order is accepted subject to the right of the purchaser to cancel the same at any time prior to shipment upon written notice to this company of such cancellation and payment of a cancellation charge of twenty per cent of the total amount of the order. If such notice is received within fifteen days from the date of the order, such cancellation charge will be waived.

Date Completed _____ By _____ Date Shipped _____ By _____

Code: MA=Machine for angles H=Horn Press PF=Permanent Flange

HEIM CORP.

FRANKFORT, ILL. 60423

815-469-2335

P. O. BOX R

ACKNOWLEDGEMENT

ASSEMBLY ORDER FOR PRESS BRAKE

Date Rec'd 4/21/73 MODEL NO. 70-6 SERIAL NO. 2175 ²¹⁷⁶ _{WJM} week of: 9/18/73SOLD TO: H-B MACHINERY CO. P.O. NO. 9455SHIP TO: AVCO LYCOMING DIVISION, 550 South Main St., Stratford, Conn. 06497

PRESS BRAKE TO INCLUDE:

BASE PRICE	Specifi- cation		Specifi- cation		Specifi- cation	
STROKE	3"		RAM INDICATOR	YES	COUNTER- BALANCE	NO
SHUT HEIGHT	12"		RAM POWER	YES	RAM MACHINE FOR ANGLES	NO
MOTOR HP	5		HORN EXT. RIGHT	NO	BED MACHINE FOR ANGLES	NO
			LEFT	NO		
MOTOR RPM	3600		LUBRICATION:		WELDED ANGLES	NO
			ONE SHOT	YES	PERMANENT FLANGED BED	NO
MOTOR FRAME			AUTOMATIC	NO	PERMANENT FLANGED RAM	NO
V-BELTS			TRU-KON-TROL PRESS BRAKE	YES	CAST BRACKET	NO
			TRU-KON-TROL PUNCH PRESS	NO	BOLSTER PLATE	NO
JLLEY			PALM BUTTONS	NO	DIE BLOCK	YES
STARTER: STD	YES		FOOT SWITCH	YES	PAINT	STD.
REV.	NO		BACK GAUGE, FRONT	YES		
VOLTAGE	440 V		OPER MANUAL	YES		
			POWER	NO		

OPTIONAL EQUIPMENT:

THIS ORDER IS SUBJECT TO CANCELLATION CHARGES.

REMARKS _____

This order is accepted subject to the right of the purchaser to cancel the same at any time prior to shipment upon written notice to this company of such cancellation and payment of a cancellation charge of twenty per cent of the total amount of the order. If such notice is received within fifteen days from the date of the order, such cancellation charge will be waived.

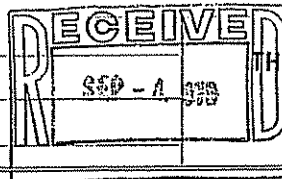
Date Completed _____ By _____ Date Shipped _____ By _____

Code: MA=Machine for angles H=Horn Press PF=Permanent Flange

PURCHASING/SHOP ORDER

POST ~~WIK~~ ^{PK100R-3} REPLY MESSAGEAVAILABLE FROM
BUSINESS ENVELOPE MANUFACTURERS, INC.
(PEARL RIVER, N.Y. • BRONX, N.Y. • CLINTON, TENN. • ANAHEIM, CALIF.)

TO Heim Corp.
PO Box R
Frankfort, Illinois 60423
ATT: E. Tower



THE H-B MACHINERY COMPANY
O. BOX 445 77 FISHERY STREET
HARTFORD, CONN 06101
PHONE: AREA CODE 203. 249-7679

SUBJECT: Heim Invoice #2896 of 2/27/79

DATE: August 31, 1979

FOLD Dear Forest:

At long last Avco Lycoming was ready for start up of the Heim 70-6 Press on the above invoice. Joe Toffolon went in upon their call that they were ready.

It was discovered that you never shipped the Manual Front Operated Back Gauge although it appears on the invoice as if you had shipped and we paid you the invoice on time as we had promised when originally placing the order with you.

When Joe call Heim, he was told that while Avco was following up on delivery they had called Heim direct. Someone at Heim said you could ship, but without the back gauge, and the story is that Avco said ok. However, nothing is written or documented, you charged the gauge on the invoice as if it had been shipped, and if it is true that you have some record of this conversation, and you knew you did not ship the back gauge,

PLEASE

WHY have you waited all this time and never shipped it.

The bottom line is the customer is without a back gauge for which we paid you. They should have checked the shipment, but assumed everything was there, and they are so far behind in installing new equipment, that it took until now to start the press.

Therefore, we trust you will proceed to ship the Manual Front Operated Back Gauge as follows:

SHIP TO: Avco Lycoming Division
550 South Main St.
Stratford, Conn. 06497
PO #A-657225

Also, we trust you will send a man to install the back gauge.

Your prompt reply will be appreciated.

DATE:

SIGNED:

Irv
Irv Blumenthal

FORM NO. PH100R-3
AVAILABLE FROM BUSINESS ENVELOPE MANUFACTURERS, INC. • PEARL RIVER, N.Y. • BRONX, N.Y. • CLINTON, TENN. • ANAHEIM, CALIF.

PRINTED IN U.S.A.
LOT 31542

THIS COPY FOR PERSON ADDRESSED

HEIM CORP.

FRANKFORT, ILL. 60423

P. O. BOX R

815-469-2335

INVOICE NO.

2996

SOLD TO

H-B Machinery Co.
P.O. Box 445
Hartford, Conn. 06101

SHIP TO

Avco Lycoming Division
550 S. Main St.
Stratford, Conn. 06497

A-657225

F.O.B. FRANKFORT, ILL.

TERMS: NET 30 DAYS

DATE OF INVOICE	YOUR ORDER NO	DATE SHIPPED	SHIPPED VIA		
2-27-79	9456	2-27-79	W.L. Murphy		
QTY.	DESCRIPTION	EA.	TOTAL	DISC.	NET
1	HEIM SINGLE CRANK PRESS Model #70-6 Serial #2176		12,230.00		
	OPTIONAL EQUIPMENT Manual Front OPERATED Sack Gauge	935.00	935.00		
			19,165.00	15%	\$ 11,190.25

Goods cannot be returned for credit or exchange without our permission.

We are not responsible for damage of goods in transit. Our responsibility ceases when goods are delivered to carriers and receipted for in good order.

This is to certify the merchandise in this invoice has been produced in accordance with applicable Federal and State Labor Laws.

This order is accepted subject to the right of the purchaser to cancel the same at any time prior to shipment upon written notice to this company of such cancellation and payment of a cancellation charge of twenty per cent of the total amount of the order. If such notice is received within fifteen days from the date of the order, such cancellation charge will be waived.

SERIAL NUMBER

EXHIBIT “S”

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

TINA LINDQUIST : NO. 04-249E
Plaintiff, :
 : JUDGE BAXTER
v. :
 :
HEIM, L.P. :
Defendant. :

AFFIDAVIT OF TINA LINDQUIST OSSA

I, Tina Lindquist Ossa hereby swear and affirm the following facts:

1. The machine depicted in photographs numbered three (3), twenty-nine (29), thirty-one (31), and thirty-two (32) are photos of the machine I was using at the time of the accident on September 25, 2002. However, the light curtain was not on the machine on at the time of the accident;

2. The foot pedal shown in photos three (3), twenty-nine (29), thirty-one (31), and thirty-two (32) are accurate photos of the foot pedal I was using at the time of my accident of September 25, 2002;

3. The photo attached to my deposition transcript as Exhibit C was the foot pedal I was using at the time of the accident on September 25, 2002; and

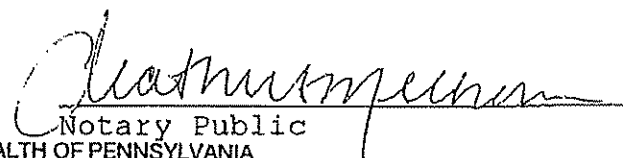
4. When performing the job I was doing on the date of my accident, I would completely remove my foot from the foot control after each cycle of the machine.

To these facts I attest.

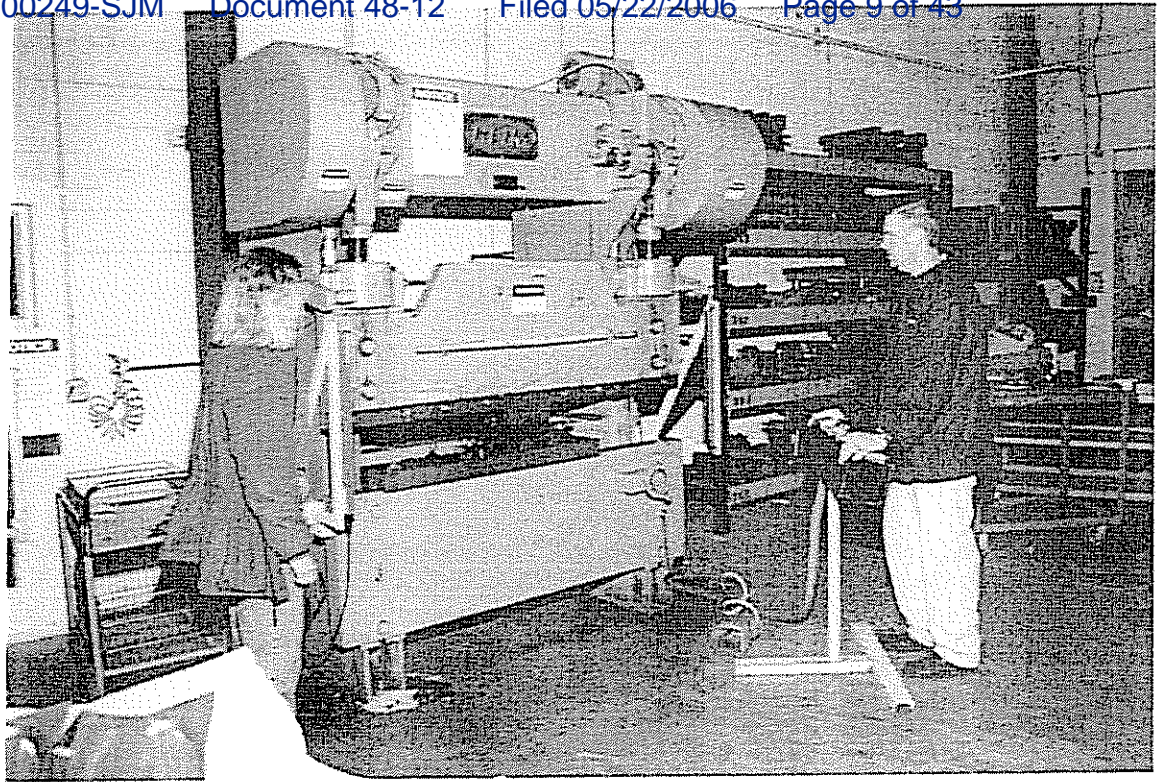
Date: May 19, 2006


Tina Lindquist Ossa

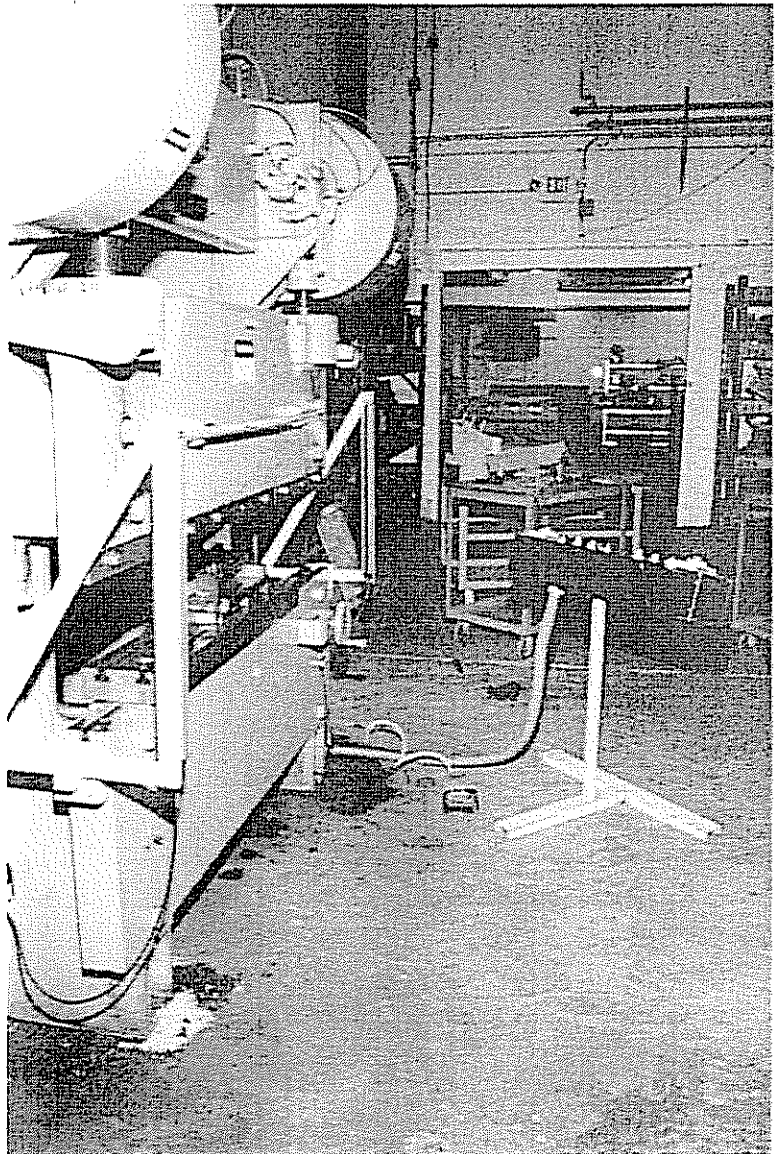
On this 19th day of May, Two Thousand Six (2006) before me, personally appeared, **Tina Lindquist Ossa**, to me personally know and known to me to be the same person who executed the within Affidavit and she duly acknowledged to me that she executed the same.


Notary Public
COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
HEATHER A. MELHORN, Notary Public
Millcreek Township, Erie County
My Commission Expires Oct. 24, 2009

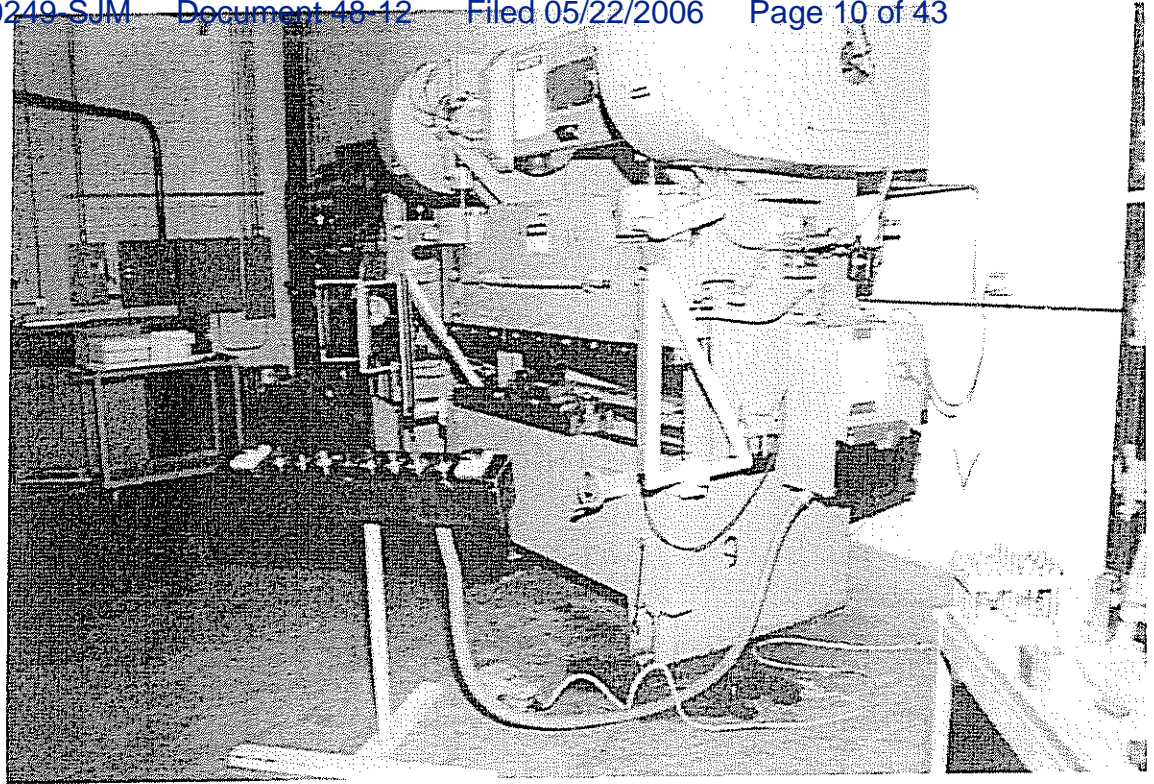
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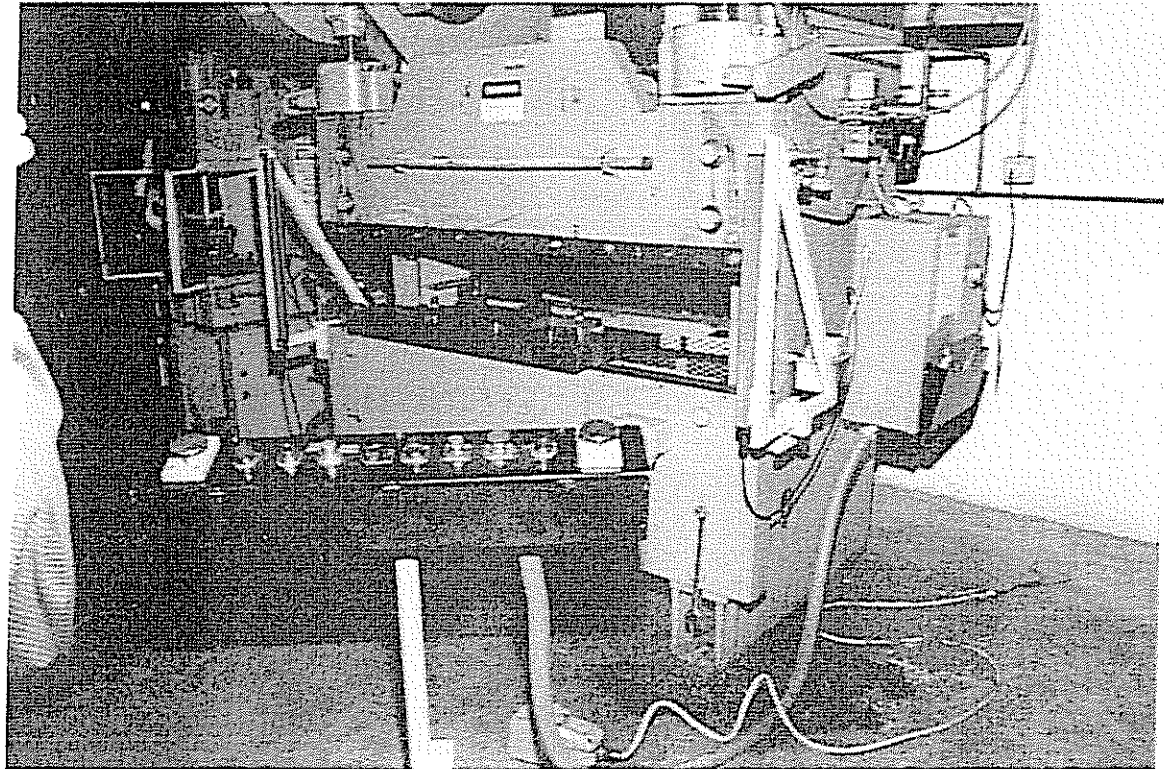
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#31



#32



65

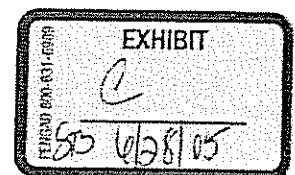


EXHIBIT “T”

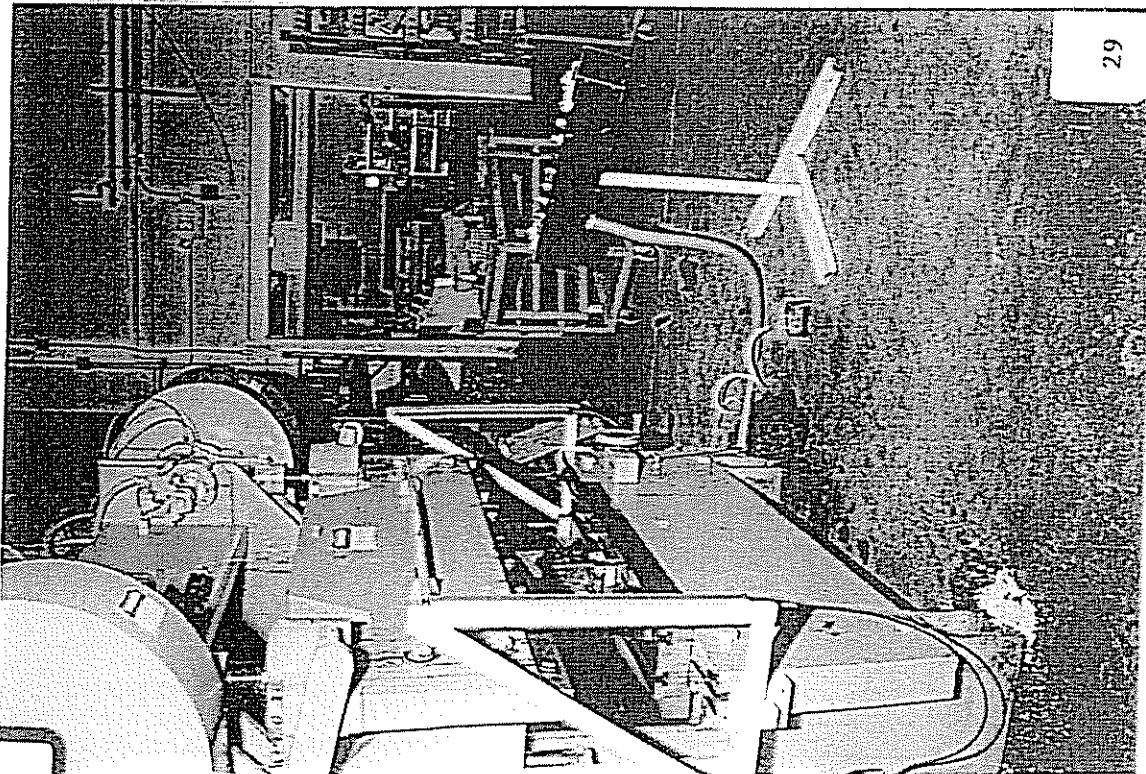
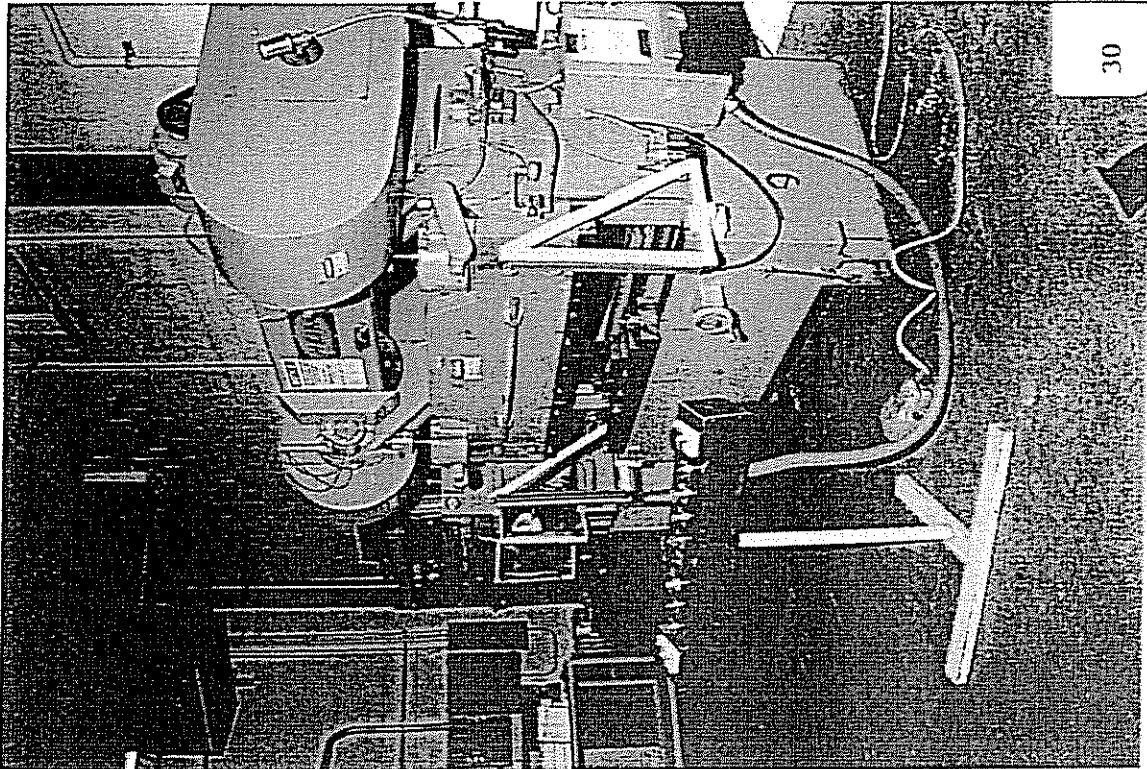


EXHIBIT
tabbles
Burnett B
4-10-06 PWS

EXHIBIT “U”

THE UNIVERSITY OF CHICAGO

P Q BOX R

815-169-2335

176

REF ID	MODEL NO	SERIAL NO	DUE DATE

P.O. NO. 70

100-11011-1151-330 Page 11 of 34

EXPRESS BRAKE TO INCLUDE

BASE PRICE	Specification		Specification		Specification
ROCKE	3		RAM INDICATOR	YES	COUNTER BALANCE
BT HEIGHT	12		RAM POWER	YES	RAM MACHINE FOR ANGLES
TOR HP	3		HORN EXT. RIGHT	NO	BED MACHINE FOR ANGLES
TOR RPM	3		LUBRICATION	NO	WELDED ANGLES PERMANENT FLANGED BED
TOR FRAME			ONE SHOT	YES	PERMANENT FLANGED RAM
			AUTOMATIC	YES	CAST BRACKET
			RH-KON-TROL	YES	BOLSTER PLATE
			PRESS BRAKE	YES	DIE BLOCK
JULLEY			RH-KON-TROL	YES	PAINT
ARTER STD.	10		PUNCH PRESS	YES	
REV	10		CALM BUTTONS	NO	
EAGE	10		FOOT SWITCH	YES	
			BACK GAUGE FRONT	YES	
			OPER. MANUAL	YES	
			POWER	NO	

OPTIONAL EQUIPMENT

THE UNIVERSITY OF CHICAGO

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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MARKS

Order is accepted subject to the right of the purchaser to cancel the same at any time prior to shipment upon written notice to this company of such cancellation and payment of a cancellation charge of twenty per cent of the total amount of the order. If such notice is received within fifteen days from the date of the purchase, no cancellation charge will be waived.

Completed By _____ Date Shipped _____ By _____

let MA=Machins for angles Mahorn Press PF=Permanent Flange

Date	Model No.	Serial No.						
	90-6	2176						
Item	Check	Spec./Comment	OK	By	Objection	Correction	OK	By
Stroke	Dim. inches	3"	BT					
Shot Height	Ram to bed strk dn-adj. up	12"	BT					
Strokes/minute	Actual count	25 strokes	BT					
Flywheel	Exact dia. and thickness	24" x 3 1/2"	BT		OK by	WALLY + B Ramsay		
Flywheel Rotation	Clockwise/counterclockwise	C.C.W.	BT					
V-Belts	Section size and length	B-85	BT					
V-Pulley	O.D. and bore	4460-80	BT					
Ram Adj. Up	Actual ram indicator reading	6.0180	BT					
Ram Adj. Down	Actual ram indicator reading	6.500"	BT					
Ram and Bed Alignment	Clamp bar on each end bring ram down and measure	L. 5, 5 1/16 R. 5 1/16, 5 1/16	BT					
Lubricator	Make and size	Bydon shot	BT					
Lube Type	Kind of oil or grease used	Hydraulic H.	BT					
Oil Meters (Ram Guides)	Actual size	#1	BT					
Oil Meters (Conn. Rods)	Actual size	#3	BT					
Oil Meters (Main Brngs)	Actual size	#2	BT					
Oil Lines	Purged and fittings tight	OK	BT					
Cyl. Cylinders	Bore and stroke	NA	BT					
Cyl. Cyl. Bar	Size and length	NA	BT					
Cyl. Cyl. P.S.I.	Press. req'd to take up ram	NA	BT					
Cyl. Pressure Sw.	P.S.I. set @	710	BT					
Main Pressure Sw.	P.S.I. set @	72 PSI	BT					
Clutch Hub	Bore & thickness	2 1/8" x 3"	BT					
Clutch Hub Lock	Type and tightness	nut & lock ring	BT					
Clutch Plates	Quantity and size	3 plates	BT					
Clutch Shims	Quantity and thickness	2 per pin	BT					
Clutch Operation	Friction and heat	OK	BT					
Brake Hub	Shape, bore and thickness	2" x 2 1/8"	BT					
Brake Disc	Bolts, runout and concentricity	3 bolts	BT					
Brake Caliper(s)	Quantity bolts and run out	one	BT					
er Mtg. Bolts	Dia. length and head clearance	1" x 7/8" 1/2 clearance	BT					
Die Block	Position in groove and size	standard	BT					
Horn. Extension(s)	Length and R and/or L	Na	BT					

Item	Check	Spec./Comment	OK	By	Objection	Correction	OK	By
Operat. Back Ga.	Type required				Back Ordered			
Machine For Angles	Bed and/or ram	N/C						
Motor H.P. and RPM	From nameplate	5HP:3495						
Motor Volt and Frequency	From nameplate	220-440V						
Motor Starter	Make size and type	Full Size						
Heater Relays	Size Number	630T37						
Circuit Breaker	Make, amps and volt rating	15A 600V						
Press Controls	Quantity and type of oper. stations	1						
Press Control Specs	Location and type of connection	FLOOR						
Motor Wiring	Wire size	#14						
Motor Start-Up	Time req'd for full flywheel rpm	7 seconds						
Elect. Dwg. Used	Dwg. number and date	D-7607						
Cams	Setting all modes and rotation	ST.P. HUB						
Lube Cycle	Actual time and oil amount	0.50						
in Bearings Clearance	Jack up ram with knuckle tight (loosen it after check)	.015						
Knuckle Clearance	Use feeler gauge & lock upper nut	.003						
Special Features and Notes								
Location	Left	Right						
Ram	Bottom .000 Up .000 Down .000	.000 +.005 -.005						

EXHIBIT “V”

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TINA LINDQUIST,

Plaintiff,

vs.

HEIM, L.P.,

Defendant.

Civil Action No. 04-249E

**JUDGE SEAN J. MCLAUGHLIN /
MAGISTRATE JUDGE SUSAN
PARADISE BAXTER**

PAUL R. ROBINSON, ESQUIRE
PA I.D. No. 65581

Meyer, Darragh, Buckler, Bebenek &
Eck, P.L.L.C.
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219
(412) 261-6600

**ANSWERS TO PLAINTIFF'S INTERROGATORIES - SECOND SET AND
REQUEST FOR PRODUCTION OF DOCUMENTS - SECOND REQUEST**

AND NOW, comes the defendant, HEIM, L.P., through its attorneys, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., serving their answers to plaintiff's interrogatories - second set and request for production of documents - second request, as follows:

1. Describe the relationship between HB Machinery Company and Heim, L.P. and outline the criteria of the method of selection of HB Machinery Company as a distributor including, but not limited to the following:

- (a) date relationship began;

- (b) date relationship ended;
- (c) number of press brakes sold;
- (d) contact person at HB Machinery Company that communicated with Heim, L.P. with regard to sales of machinery;
- (e) the person at Heim, L.P. that was responsible for maintaining HP Machinery Company as a distributor.

ANSWER: *Objection. This interrogatory is vague and ambiguous. Heim did not select HB Machinery as a distributor. The sales file for the Model 70-6 press brake reveals that HB Machinery Co. was a company with whom Avco Lycoming contracted a particular machine, and that HB Machinery contracted with Heim to purchase the Model 70-6 press brake at issue which HB Machinery requested Heim to ship to Avco Lycoming.*

2. Produce any and all documents evidencing the relationship between HB Machinery Company and Heim, L.P.

ANSWER: *Heim is unaware of any agreements or documents concerning the relationship between Heim and HB Machinery Company at the time of the 1978 sale at issue other than the sales file for the Model 70-6 press brake at issue which has been produced, which file contains documents evidencing the purchase and sale relationship which existed between HB Machinery Company and Heim for this particular press brake.*

3. Produce any and all documents outlining the agreements between Heim, L.P. and/or distributors and/or franchises utilized during the period from 1970 through 1980.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. This request would require yet another search of all sales files between 1970 and 1980 and the production of documents relating to the sale of our presses and press brakes. Without waiving these objections, Heim is not a franchisor and therefore has no franchisees. Heim has, throughout the time period requested, sold press brakes to distributors who have purchased press brakes for ultimate shipment to third parties, similar to the sale of the Model 70-6 press brake at issue which was sold to HB Machinery Co., L.P. and shipped to Avco Lycoming pursuant to the*

request of HB Machinery Co. Please see the deposition transcript of Tony Mase wherein this matter was inquired into at length by the plaintiff.

4. Describe the specifications for the foot pedal that was supplied with the subject machine and the specifications for subsequent foot pedals made available by Heim, L.P. with the sale of press brakes.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Heim has searched its records to determine if any drawings or specifications exist with regard to the foot pedal that was supplied with the Model 70-6 press brake at issue. The attached drawing may be a drawing for the foot switch supplied with the press brake at issue, considering the date of the drawing, but Heim has no ability of verifying this.*

5. Produce any and all specifications, drawings, sketches and/or diagrams of foot pedals made available by Heim, L.P. with its press brakes for the period from 1970 through 2000.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Please see answer to interrogatory number 6.*

6. Produce any and all specifications, drawings, sketches and/or diagrams relating to said foot pedals.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Please see answer to interrogatory number 6.*

7. In the event defendant, Heim, L.P., did not manufacture said foot pedals, identify all vendors from whom Heim, L.P. purchased said foot pedals for brake presses for the period from 1970 through 2000.

ANSWER: *Objection. The plaintiff is aware through the deposition of Heim's corporate designee, Tony Mase, that Heim did not manufacture the foot pedal which accompanied the Model 70-6 press brake at issue. The plaintiff's request for all vendors who have supplied foot pedals for press brakes from 1970 through 2000 is overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence.*

Without waiving these objections, the present supplier of foot pedals is LineMaster. Prior to purchasing foot pedals from LineMaster Switch Corp., Heim believes that foot pedals were purchased from Electro-Kenetics which was believed to be a dealer for LineMaster

8. Identify any and all modifications to the foot pedal from 1978 through the present.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Heim does not have information available to detail any and all modifications to the foot pedal on the Model 70-6 press brake subsequent to its sale to HB Machinery Co. in 1978. As the plaintiff is aware, it is unknown if the foot pedal which accompanied the Model 70-6 press brake at the time of Tina Lindquist's injury was the foot pedal which accompanied the Model 70-6 press brake at the time of its sale. As plaintiff also is aware, the foot pedal which accompanied the Model 70-6 press brake at the time of Tina Lindquist's injury has been discarded without notice to Heim.*

Heim is aware from the depositions of Corry Manufacturing employees that the foot pedal which accompanied the Model 70-6 press brake at the time of Tina Lindquist's injury had been designed and fabricated by Corry Manufacturing employees to permit the operation of the Model 70-6 press brake through use of either the foot pedal or the two-palm button switch which also accompanied the Model 70-6 press brake at the time of Tina Lindquist's injury.

9. In the event any modification of the foot pedal that was supplied with press brakes in the period of 1970 through 2000 has taken place, please state in detail, the reasons for such change, alteration or modification.

ANSWER: *Please see objections and answer to interrogatory number 8, which are incorporated by reference.*

10. Please identify all distributors of Heim, L.P. products for the period from 1970 through 1980.

ANSWER: *Objection. This request is overly broad, vague, and misleading through this use of the term "distributors of Heim, L.P." It furthermore is unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, as the*

plaintiff is aware through the corporate designee deposition of Tony Mase, Heim's business involves the sale of press brakes through distributors which are in the business of selling such press brakes and other components, including point of operation safety devices. As plaintiff is aware through the discovery taken to date, a company such as Avco Lycoming oftentimes will request a distributor of manufacturing equipment to provide it with the manufacturing equipment which that company desires to use in its operation. The distributor, in this case HB Machinery Co., then will supply its customer, in this case Avco Lycoming, with the equipment, and one means of obtaining that equipment is through purchasing it from manufacturers. The sales file for the Model 70-6 press brake at issue reveals that this typical sales scenario occurred with regard to the sale of the Model 70-6 press brake and that a distributor of manufacturing equipment, HB Machinery Co., appears to have contracted with Avco Lycoming to supply a press brake, and HB Machinery Co. then contracted with Heim to provide the press brake requested and which was shipped to Avco Lycoming.

11. Identify and provide all sales brochures, manuals and advertising materials relating to press brakes for the period from 1970 through the present.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, please see the instructions and parts manual which plaintiff obtained from Hildebrand Machinery which accompanied the Model 70-6 press brake at the time of Tina Lindquist's injury, and please see the attached brochures.*

12. Identify the person or entity responsible for the content of the operator's manual for brake presses.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, and with regard to the instructions and parts manual supplied with the Model 70-6 press brake, Heim does not have information available to it to identify the persons responsible for the content of the Instructions and Parts Book for the Model 70-6 press brake sold in 1978 to HB Machinery Co. The Instructions and Parts Book for the particular press brake at issue indicates that it was compiled and written by Technical Graphics.*

13. Identify where the operator's manuals were printed.

ANSWER: *Please see objections and answers to interrogatory no. 12 which are incorporated.*

14. Identify the person at Heim, L.P. responsible for review of the manual for changes and updates.

ANSWER: *Please see objections and answers to interrogatory no. 12 which are incorporated.*

15. Provide an original of the operator's manual that is applicable to the Heim 70-6 brake press.

ANSWER: *The original of the operator's manual that was supplied with the Model 70-6 press brake is not in the possession of Heim and, instead, left the possession and control of Heim at the time of the sale of the Model 70-6 press brake at issue. Plaintiff's counsel previously advised Heim's counsel that plaintiff's counsel obtained a copy of the operator's manual from Corry Manufacturing and, following the request of Heim's counsel, plaintiff's counsel provided Heim's counsel with a copy of that operator's manual. The operator's manual produced by plaintiff's counsel is a copy of the owner's manual for the Model 70-6 press brake.*

16. Please identify if any subsequent modification that has taken place to the manual included with press brakes. To the extent such alteration or change has taken place with regard to said manual, please provide a copy of the manual and identify the changes or modifications.

ANSWER: *Objection. This interrogatory is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, please see a copy of the Instructions and Parts Book which is attached.*

17. Identify the person(s) responsible for the design of the POINT OF OPERATION protection such as the foot pedal and/or the two palm button switch utilized by Heim, L.P. or made available in conjunction with the sale of Heim, L.P. press brakes for the period of 1970 through 2000.

ANSWER: *Objection. This interrogatory is overly broad, vague, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Heim did not design or manufacture the foot pedals which accompanied its press brakes, and a*

two-palm button switch was not requested, and therefore not supplied, for the Model 70-6 press brake sold to HB Machinery Co.

18. Provide any design engineering criteria utilized by the design engineers relating to the design and manufacture of press brakes as it relates to POINT OF OPERATION protection such as foot pedals or two palm button activation mechanism.

ANSWER: *Please see objection and answer to interrogatory number 17 which are incorporated by reference.*

19. Produce for inspection a representative sample of each model of foot pedal made available by Heim, L.P. in conjunction with the sale of its press brakes for the period of 1970 through the present.

ANSWER: *This request is overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Heim does not possess representative samples of each foot pedal which accompanied the sale of its press brakes, including the foot pedal which accompanied the sale of the Model 70-6 press brake at issue.*

Respectfully submitted,

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.

By: 

PAUL R. ROBINSON, ESQUIRE
Attorney for Heim, L.P.
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PROOF OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served upon all parties on the date and in the manner listed below:

<u> X </u>	First Class Mail, Postage Prepaid
<u> </u>	Certified Mail - Return Receipt Requested
<u> </u>	Hand Delivery
<u> </u>	Facsimile Transmission

at the following address:

Dallas W. Hartman, Esquire
Dallas W. Hartman P.C.
2815 Wilmington Road
New Castle, PA 16105
(Counsel for Plaintiff)

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.

Date: 10-6, 2005



PAUL R. ROBINSON, ESQUIRE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TINA LINDQUIST,

Plaintiff,

vs.

HEIM, L.P.,

Defendant.

Civil Action No: 04-249E

**JUDGE SEAN J. MCLAUGHLIN /
MAGISTRATE JUDGE SUSAN
PARADISE BAXTER**

PAUL R. ROBINSON, ESQUIRE
PA I.D. No. 65581

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**DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUEST FOR
ADMISSIONS - SECOND SET AND INTERROGATORIES - THIRD SET
AND REQUEST FOR PRODUCTION OF DOCUMENTS - FOURTH REQUEST**

AND NOW, comes the defendant, HEIM, L.P., by its attorneys, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., serving it response to plaintiff's request for admissions - second set, interrogatories - third set, and request for production of documents - fourth request, as follows:

1. Defendant, Heim, L.P., manufactured the Product, the subject press brake involved in Plaintiff's accident.

 X ADMITTED

 DENIED

If request for Admission No. 1 is denied, identify the manufacturer of the subject press brake.

ANSWER:

2. The press brake, manufactured by Defendant, reached Plaintiff without substantial change or alteration as when it left possession and control of the Defendant.

_____ ADMITTED _____ DENIED

If Defendant's response to request for Admission No. 2 is denied:

- (a) specifically identify each change or alteration.
- (b) specifically identify who or what made each change or alteration
- (c) was the change or alteration made with the knowledge of Defendant.
- (d) was the change or alteration made with the permission of Defendant.
- (e) did the change or alteration cause or contribute to the Accident described in Plaintiff's Complaint and if so, describe in detail how such change or alteration caused or contributed to the Accident.

ANSWER: *Objection. This request is overly broad, vague, and unduly burdensome. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waving these objections, denied. Numerous alterations and changes to the press brake have been identified in discovery and are known by plaintiff's counsel to have been made to the press brake, including the addition of tooling and dies to make the press brake a usable completed product, the addition of a two-palm switch, changes relative to the wiring and connection of a foot pedal, etc. Please see the deposition transcripts of the employees of Corry Manufacturing, and the deposition transcript of Anthony R. Mase. Heim L.P. did not have knowledge of these changes or any other changes that may have occurred to the press brake while it was being used by Avco Lycoming and Corry Manufacturing for the twenty-four (24) years after it was sold and prior to this incident.*

3. Operating the subject press brake with the operator in a seated position was foreseeable.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 3, state the following:

- (a) why it was not foreseeable that the press brake would be operated from a seated position; and
- (b) identify all research, survey, testing and/or customer information utilized by the defendant to determine foreseeable means of use, operation or operator positioning while operating the subject press brake.

ANSWER: *Objection. This request is overly broad and vague, does not set forth adequate facts upon which such a hypothetical question can be answered, is argumentative and calls for speculation. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure.*

4. On September 25, 2002, Plaintiff used the press brake at the Corry Manufacturing facility for purposes for which it was intended when it was manufactured, sold and/or distributed by Defendant.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 4, identify the following:

- (a) the purpose for which the press brake was intended,
- (b) the reason why the use of the press brake by Plaintiff was not intended; and
- (c) identify all communications provided to purchasers of the press brake identifying the purpose for which the press brake is intended and Hazards associated with the use of the press brake in a manner not intended.

ANSWER: *Objection. This interrogatory exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving this objection, denied. The plaintiff placed her hands inside the die area of the press brake which was an unintended use of the press brake. The plaintiff also disregarded the warnings and instructions contained on the press brake itself and in the Instructions and Parts Manual which was an unintended use of the press brake. Deposition testimony also has been obtained concerning*

the plaintiff being warned shortly before this incident against sitting down in a chair while operating the press brake with a foot pedal. Please see the Instructions and Parts Manual, the deposition of Anthony R. Mase, the Corry Manufacturing employee depositions, and the warnings affixed to the press brake. By way of further response, this interrogatory requests expert information which is subject to and will be provided pursuant to the court's scheduling order.

5. Defendant has no knowledge, documents and/or information regarding the design, manufacture, testing and/or engineering analysis or criteria with regard to changes, modifications and/or alterations to the foot pedal and/or foot pedal controls for operation with press brakes

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 5, please set forth what design engineering knowledge, testing, analysis and/or manufacturing documents are in possession of Defendant for the period of 1970 through the present regarding the above requests. Pursuant to this request, please attach a copy of same hereto.

ANSWER: *Objection This request is overly broad, vague, unduly burdensome, is argumentative, and requests information not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Please see the deposition testimony of Anthony R. Mase. Please also see the Instructions and Parts Manual, Heim, L.P.'s response to plaintiff's second set of discovery and request for production of documents, and the deposition transcript of the employees of Corry Manufacturing. By way of further response, discovery is continuing and this interrogatory requests expert information which is subject to and will be provided pursuant to the court's scheduling order.*

6. Defendant has not undertaken any studies, tests or analysis with regard to the design, manufacture, development or utilization of the foot pedal as it relates to the operation of press brakes.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 6, please set forth and identify with specificity what testing, analysis and/or studies have been undertaken by Defendant regarding same.

ANSWER: *Objection. This request is overly broad and vague, and requests information not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, after reasonable investigation, Heim, L.P. does not have information within its possession to admit or deny this request relative to studies or tests regarding the design or manufacture of the foot pedal. The foot pedal which accompanied the sale of the press brake in 1978 was allowed to be discarded and the foot pedal was not designed or manufactured by Heim, L.P.*

7 Defendant did not undertake any testing, studies, or research and development regarding the design and manufacture, sale or distribution of press brakes as it relates to the implementation of foot pedals in the use and operation of Defendant's press brake.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 7, please set forth what design engineering criteria was utilized in the design and manufacture of press brakes as it relates to the implementation of foot pedals to and with Defendant's press brake

ANSWER: *Objection. This request is overly broad and vague, and requests information not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, after reasonable investigation, Heim, L.P. does not have information within its possession to admit or deny this request relative to studies or tests regarding the design or manufacture of the foot pedal at issue. The foot pedal which accompanied the sale of the press brake in 1978 was allowed to be discarded and the foot pedal was not designed or manufactured by Heim, L.P.*

8. Defendant did not undertake any research, testing and/or development regarding means to avoid or warn against possible damage, injuries and/or hazards associated with the operation of Defendant's press brakes as it relates to the implementation or use of foot pedals.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 8, please set forth any and all research, testing and/or development regarding means to avoid or warn against possible

damage, injuries and/or hazards associated with the operation of the press brake in conjunction with the implementation and/or use of foot pedal

ANSWER: *Objection. This request is overly broad and vague. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Please see the Instructions and Parts Manual which was supplied with the press brake and which was affixed to the press brake at the time of this incident. Please also see the warnings affixed to the press brake itself.*

9. Defendant is unable to identify the supplier, manufacturer and/or distributor of the foot pedal used in conjunction with the press brake at the time of Plaintiff's accident

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 9, please provide any and all information, documents, or materials which identify the supplier, manufacturer and/or distributor of the foot pedal used with the subject press brake at the time of Plaintiff's accident.

ANSWER: *Objection. This request is argumentative. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, the foot pedal which plaintiff was using at the time of this incident was allowed to be discarded. Heim, L.P. has not at this time identified the manufacturer or distributor of the foot pedal which was attached to the press brake and two-palm button switch manufactured by Corry Manufacturing prior to this incident. Please see the deposition transcripts of the Corry Manufacturing employees deposed by Heim, L.P. Other entities, including Corry Manufacturing, Avco Lycoming, HB Machinery, or the auction company which sold the press brake to Corry Manufacturing may have information responsive to this request.*

10. Defendant is unable to identify the supplier, manufacturer and/or distributor of the foot pedal which originally accompanied and/or was provided with the subject press brake at the time of its sale and/or distribution.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 10, please provide any and all information, documents, or materials which identify the supplier, manufacturer and/or distributor of the foot pedal which accompanied the subject press brake at the time of its sale and/or distribution.

ANSWER: *Objection. This request is argumentative. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, Heim, L.P. cannot with certainty identify the manufacturer or distributor of the foot pedal which was sold with the press brake in 1978 to H.B. Machinery for Avco Lycoming's use. Heim, L.P. has provided the plaintiff with a Heim drawing of a foot pedal which would have been used by Heim in its business but Heim, L.P. has no ability to verify that the foot pedal identified in the drawing accompanied the sale of this press brake in 1978, considering the age of the product and the unavailability of the foot pedal. Heim, L.P. also has identified in its answers to plaintiff's second set of discovery the present and previous suppliers of foot pedals as LineMaster and Electro-Kenetics. Discovery is continuing on this issue.*

11 The Defendant has no knowledge, documents and/or information regarding the manufacturer, distributor and/or suppliers of foot pedals which accompanied or were provided with press brakes manufactured, sold and/or distributed by Defendant from the period of 1970 through the present.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 11, please set forth any and all information, materials and/or documentation which sets forth, identifies and/or pertains to the suppliers of foot pedals which accompanied or were provided with Defendant's press brakes from the period of 1970 through the present.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, argumentative, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Please see Heim, L.P.'s response to request no. 7 to plaintiff's second set of interrogatories, and please see the deposition testimony of Anthony R. Mase. There furthermore are numerous employees of Heim, L.P. who have information pertaining to press brake foot pedals. Please also see the Heim discovery previously produced and the attached Material Purchases record.*

12. Defendant is unable to identify the foot pedal that accompanied the subject press brake at the time of its initial sale and/or distribution by Defendant.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 12, please provide any and all information, materials and documents which identify, set forth or provide information pertaining to the foot pedal which accompanied and/or was provided with the subject press brake at the time of its initial sale and/or distribution.

ANSWER: *Please see the response to request no. 10 which is incorporated.*

13. Defendant is unable to identify and has no information pertaining to the type and/or specifications of the foot pedal which accompanied and/or was provided with the subject press brake at the time of its original sale and/or distribution.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 13, please provide any and all information, documents and/or materials which identify the type and specifications of the foot pedal which accompanied the subject press brake at the time of its original sale and/or distribution.

ANSWER: *Please see the response to request no. 10 which is incorporated.*

14. Defendant is unable to identify or provide information, diagrams, drawings and/or specifications of the foot pedal which was used in conjunction with the subject press brake at the time of Plaintiff's accident.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 14, please provide any and all information, drawings, diagrams and/or specifications pertaining to the foot pedal used in conjunction with the subject press brake at the time of Plaintiff's accident.

ANSWER: *Please see the response to request no. 9 which is incorporated.*

15. Defendant has no knowledge of, and is unable to produce for deposition testimony, any individual that could provide information, drawings, diagrams and/or identify the foot pedal that was used in conjunction with Defendant's press brake at the time of Plaintiff's accident.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 15, please provide the identity of any such individual that can provide information regarding the make, type, manufacturer,

supplier and/or distributor of the foot pedal used at the time of Plaintiff's accident which accompanied the subject press brake. In addition, please provide any and all drawings, diagrams and/or specifications of the foot pedal referenced herein.

ANSWER: *Objection. This request is argumentative. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Heim, L.P. produced a representative, Anthony R. Mase, who was questioned by plaintiff's counsel and provided information on this issue. By way of further response, numerous depositions of Corry Manufacturing employees were taken concerning this issue, as well as the deposition of Tina Lindquist. Other entities, including Corry Manufacturing, Avco Lycoming, HB Machinery, or the auction company which sold the press brake to Corry Manufacturing may have additional information on this request.*

16. Defendant has no knowledge of, and is unable to produce for deposition testimony, any individual that could provide information, drawings and/or identify the foot pedal that accompanied and/or was provided with the subject press brake at the time of its original sale and/or distribution.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 16, please provide the identity of any such individual that can provide information regarding the make, type, manufacturer, supplier and/or distributor of the foot pedal that accompanied and/or was provided with the subject press brake at the time of its original sale and/or distribution.

In addition, please provide any and all drawings, diagrams and/or specifications of the foot pedal referenced herein.

ANSWER: *Objection. This request is argumentative. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Heim, L.P. produced a representative, Anthony R. Mase, who was questioned by plaintiff's counsel and provided information on this issue. By way of further response, numerous depositions of Corry Manufacturing employees were taken concerning this issue. Other entities, Avco Lycoming, HB Machinery, or the auction company which sold the press brake to Corry Manufacturing may have information on this issue. Please also see the response to request no. 10 which is incorporated.*

17. Defendant has no knowledge, documents, materials and/or information regarding the method, means and/or analysis utilized in selecting foot pedals to

accompany press brakes manufactured by Defendant from the period of 1970 through the present.

_____ ADMITTED _____ DENIED

If defendant denies request for admission no. 17, please set forth what knowledge, documents, materials and/or information are in possession or known by defendants regarding the selection of foot pedals to accompany press brakes for period of 1970 to the present.

Pursuant to this request, please attach a copy of the same hereto

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, argumentative, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Please see Heim, L P.'s response to request no. 7 to plaintiff's second set of interrogatories, and please see the deposition testimony of Anthony R. Mase. There furthermore are numerous employees of Heim, L P. who have information pertaining to press brake foot pedals, but not going back to the 1978 sale at issue.*

18. Defendant has no knowledge, documents, materials and/or information regarding the analysis, process or means of selecting foot pedals to accompany punch presses manufactured by Defendant for the period of 1970 to the present.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 18, please set forth what knowledge, documents, materials and/or information are in possession or known by Defendants regarding the selection of foot pedals to accompany punch presses for the period of 1970 to present.

Pursuant to this request, please attach a copy of the same hereto.

ANSWER: *Objection. This request is overly broad, vague, unduly burdensome, argumentative, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure.*

19. Defendant has no information, materials, diagrams, drawings and/or documentation which describe or set forth the specifications of the foot pedal that was

supplied with the subject press brake manufactured by Heim, L.P. at the time of its original sale and/or distribution.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 19, please set forth what materials, information, drawings, diagrams and/or documents are in possession of or known by the Defendant pertaining to this request

Please attach a copy of same hereto.

ANSWER: *Objection. This request is overly broad, vague, and argumentative. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Please see Heim, L.P.'s response to request no. 10 which is incorporated.*

20. Defendant cannot and/or is unable to produce any specifications, drawings, sketches and/or diagrams of foot pedals made available by Heim, L.P. for its press brakes for the period from 1970 through the present.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 20, please provide any and all specifications, drawings, sketches and/or diagrams in possession of or known by Defendant for the period of 1970 to the present regarding the above request

Pursuant to this request, please attach a copy of same hereto.

ANSWER: *Objection. This request is overly broad, vague, argumentative, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Please see Heim, L.P.'s response to request nos 10 and 11 which are incorporated.*

21. For the period of 1970 to the present, there were two types or models of foot pedals that were supplied or provided with press brakes manufactured by Defendant. These two specific types and/or models of foot pedals were models with a kick plate and models without a kick plate.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 21, set forth any and all information relied upon in Defendant's denial. If Defendant is aware of any other specific types or models of foot pedals other than the two referenced above, please set forth what information and/or materials are in possession of or known by Defendant.

Please attach a copy of same to this request.

ANSWER: *Objection. This request is overly broad, vague, argumentative, unduly burdensome, misleading, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure.*

22. Defendant has no knowledge, documents, and/or information regarding consumers' and/or customers' means, method and/or criteria for selecting point of operation protection on press brakes manufactured, sold, supplied and/or distributed by Defendant for the period of 1970 to present.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 22, please set forth what knowledge, documents and/or information are in possession of or known by Defendant regarding the above request.

Pursuant to this request, please attach a copy of same hereto.

ANSWER: *Objection. This request is overly broad, vague, argumentative, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Please see the deposition of Anthony R. Mase where this issue was addressed at length. Please also see the applicable ANSI and OSHA codes. Please also see warnings and instructions affixed to the press brake and the Instructions and Parts Manual. This request further requests expert information which is the subject of and will be produced pursuant to the court's scheduling order.*

23. Defendant has no knowledge, documents and/or information regarding the criteria for the selection of foot pedals to accompany press brakes sold and/or manufactured by Defendant.

_____ ADMITTED _____ DENIED

If Defendant denies request for Admission No. 23, please set forth what knowledge, documents and/or information are in possession of or known by the Defendant regarding the above request

Pursuant to this request, please attach a copy of same hereto.

ANSWER: *Objection. This request is overly broad, vague, argumentative, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory furthermore exceeds the number of interrogatories permitted by the Federal Rules of Civil Procedure. Without waiving these objections, denied. Foot pedals are requested by and presently used by manufacturers who purchase press brakes and power presses. Please also see the applicable ANSI and OSHA codes. Please also see the deposition transcript of Anthony R. Mase, warnings and instructions affixed to the press brake, and the Instructions and Parts Manual. This request furthermore requests expert information which is the subject of and will be produced pursuant to this Court's scheduling order.*

Respectfully submitted,

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P L L C.

By:  _____

PAUL R. ROBINSON, ESQUIRE
Attorney for Heim, L.P.
PA I.D. No. 65581

U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219
(412) 261-6600

"Cast Card"

[illegible]

12/06/2005 16:09 7084967428

HEIM

PAGE 02/03

Dec 6. 2005 2:49PM

No. 0266 P 2

VERIFICATION

I, *ANTHONY R. MASE*, am the *NATIONAL SALES MANAGER* of *HEIM, L.P.*, and state that the averments of fact set forth in the foregoing *RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS - SECOND SET AND INTERROGATORIES - THIRD SET* are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 12/6/05


ANTHONY R. MASE

File No: ALFA-107530/PRR

PROOF OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served upon all parties on the date and in the manner listed below:

<u> X </u>	First Class Mail, Postage Prepaid
<u> </u>	Certified Mail - Return Receipt Requested
<u> </u>	Hand Delivery
<u> </u>	Facsimile Transmission

at the following address:

Dallas W. Hartman, Esquire
Dallas W. Hartman P.C.
2815 Wilmington Road
New Castle, PA 16105
(Counsel for Plaintiff)

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C

Date:

12-13-05



PAUL R. ROBINSON, ESQUIRE

②

A-470

ANTI-TRIP FOOT CONTROL
 CAT. #511-B2 (LINEMASTER)
 STAGE: SINGLE-DPDT
 RATING: 20 AMP, 125-250 VAC

A-470-D

ANTI-TRIP FOOT CONTROL
 CAT. NO. ~~502-SWH~~ 511-B4
 STAGE: SINGLE - DPDT-DB
 RATING: ~~20AMP~~ 125-250 U.A.C. - 15 A110
 WOODSTOCK CONNECTICUT

DEALER: LINEMASTER SWITCH CORP.
 WOODSTOCK, CONN. 06281

2	12/20/74	P	ADD PART	A-470	00039
1	11/9/74	R	511-B4 WHS	532-SWH, ADD DB	00037

HEIM CORP.

P. O. BOX R

FRANKFORT, ILL. 60423

DRAWN BY BH	DATE 7-9-74	CHECKED BY	DATE	SCALE
DESCRIPTION	ELECTRIC FOOT CONTROL			

USED ON

ALL PRESSES

PART NO.

A-470-D